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Los Angeles Region

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Gray Davis
Governor

Mr. Ross Pistone
The Newhall Land and Farming Company
23823 Valencia Blvd.
Valencia, CA 91335-2194

CONDITIONAL CERTIFICATION FOR PROPOSED TOURNEY-NORTH DRAINAGE CHANNEL PROJECT (Corps' Project No. 2003-00231-AOA), TRIBUTARY TO THE SANTA CLARA RIVER, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 02-186)

Dear Mr. Pistone:

Regional Board staff has reviewed your request on behalf of The Newhall Land and Farming Co. (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 16, 2003.

I hereby certify that any discharge from Tourney-North Drainage Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-5733.

[Original Sign By:]

[April 23, 2003]

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information File No. 02-186

1. Applicant: Mr. Ross Pistone
The Newhall Farming Co.
23823 Valencia Blvd.
Phone: (661) 255-4223 Fax: (661) 255-6097
2. Applicant's Agent: Louis A. Courtois, Ph.D
Aquatic Consulting Services, Inc.
1891 Goodyear Avenue, Suite 619
Ventura, CA 93003
Phone: (805) 644-1208 Fax: (805) 644-8270
3. Project Name: Tourney-North Drainage Channel Project
4. Project Location: City of Santa Clarita, Los Angeles County
Longitude: 34° 25' 26"; Latitude: 118° 34' 44.8"
5. Type of Project: Culvert Installation
6. Project Description: *Purpose:* The purpose of the proposed project is to upgrade an existing man-made drainage ditch to an underground storm drain in order to allow for the installation of building pads for a commercial complex.

Description: The proposed project involves the installation of a new storm-drain system within the existing drainage channel. The project will include the installation of fill materials and grading of the top surface to match existing ground contours. The project will permanently impact 0.04 acre of unvegetated streambed.
7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 39 (Permit No. 2003-00231-AOA)
8. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement

ATTACHMENT A

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| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15315 (Minor Land Divisions). |
| 10. Receiving Water: | Unnamed ephemeral drainage to Santa Clara River (Hydrologic Unit No. 403.51) |
| 11. Designated Beneficial Uses: | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, and WET |
| 12. Impacted Waters of the United States: | Non-wetland waters (vegetated streambed): 0.04 permanent acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | <p>The Applicant has identified the following related project carried out in the last 5 years:</p> <ul style="list-style-type: none">• In 1999, PD 1988 was built upstream of this man-made drainage channel. Surface water, which originally flowed to this downstream man-made drain, is now diverted through PD 1988 to the Santa Clara River. Project PD 1988 was built under the 1999 Natural River Management Plan. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• The Applicant will provide a copy of the project's Storm Water Pollution Prevention Plan (SWPPP), which includes standard BMP's to be employed to prevent downstream sedimentation prior to any discharge within waters of the State. |

ATTACHMENT A

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16. Compensatory
Mitigation:

The Applicant had previously completed a one-time mitigation project. In May of 1992, Newhall Land established 2.0 acres of riparian habitat within the Santa Clara River to offset all impacts to drainage channels Nos. 26, 31 and 40. The mitigation area was monitored for a period of several years and monitoring reports were provided to CDFG and ACOE. Utilizing a 5:1 mitigation ratio, this would require 0.20 acres of mitigation to offset impacts from this project.

ATTACHMENT B

Conditions of Certification File No. 02-186

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

ATTACHMENT B

Conditions of Certification File No. 02-186

4. The Applicant shall submit to this Regional Board for approval a copy of all Best Management Practices (BMP's) to be utilized during the project for the purpose of preventing water quality degradation **prior to any work within a water of the State.**
5. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
6. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
7. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
8. The Applicant shall restore all areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.

ATTACHMENT B

Conditions of Certification File No. 02-186

9. The Applicant shall provide **COMPENSATORY MITIGATION** to offset the proposed permanent impacts to **0.04 acres** of jurisdictional waters of the United States by creating or restoring riparian habitat 5:1 area replacement ratio (0.20 acres). This mitigation shall be completed by the Applicant by defining a 0.20 acre area within the previously installed 2.0 acre riparian mitigation site. The location of the mitigation for the proposed project within the larger mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. The Applicant shall also provide documentation that the entire mitigation area has been placed within a conservation easement to ensure preservation in perpetuity. This information shall be submitted to this Regional Board for approval **prior to any disturbance within waters of the United States**.
10. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after planting.
11. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-186**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
12. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
13. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
14. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.

ATTACHMENT B

Conditions of Certification File No. 02-186

15. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.